

ASSEMBLY BILL

No. 1060

Introduced by Assembly Member Laird

February 23, 2007

An act to repeal Sections 11265.2 and 11265.3 of, and to repeal and add Section 11265.1 of, the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1060, as introduced, Laird. Public social services: CalWORKs and the Food Stamp Program: redetermination and recertification.

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) program, state, and county funds. Under existing law, the county is required to annually redetermine eligibility for CalWORKs benefits. Existing law additionally requires the county to implement a recipient monthly reporting system, consistent with federal law until the Director of Social Services makes a specified declaration, at which time the county would be required to redetermine recipient eligibility and grant amounts on a quarterly basis, using prospective budgeting, and to prospectively determine the grant amount that a recipient is entitled to receive for each month of the quarterly reporting period. Under existing law, a CalWORKs recipient is required to report to the county, orally or in writing, specified changes that could affect the amount of aid to which the recipient is entitled. Existing law requires the quarterly redetermination report form to be signed by the recipient under penalty of perjury.

Existing law provides for the Food Stamp Program, under which food stamps are allocated by each county in accordance with federal requirements. Under existing law, the Food Stamp Program is administered at the state level by the State Department of Social Services. Existing law requires CalWORKs reporting requirements to be implemented in a manner that promotes compatibility between the CalWORKs program and the Food Stamp Program.

This bill would repeal the quarterly redetermination requirements and instead would impose similar requirements for a semiannual redetermination, operative January 1, 2009. This bill would require the redetermination report form to be signed under penalty of perjury, thus creating a new crime and imposing a state-mandated local program.

The bill would also repeal the requirements for prospective determination of a recipient's grant amount, and the requirement that the recipient report the specified changes to the county, operative January 1, 2009.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11265.1 of the Welfare and Institutions
- 2 Code, as amended by Section 1 of Chapter 826 of the Statutes of
- 3 1999, is repealed.
- 4 ~~11265.1. (a) Except as provided in Section 11265.5, in addition~~
- 5 ~~to the requirement for the annual redetermination of eligibility,~~
- 6 ~~the department shall establish regulations consistent with federal~~
- 7 ~~law to implement a recipient monthly reporting system for use in~~
- 8 ~~determining monthly eligibility and the amount of the grant. The~~
- 9 ~~department shall define what constitutes a complete report and~~
- 10 ~~shall specify the deadlines for submitting a complete report, as~~

1 well as the consequences of, and good cause for, failure to submit
2 a complete report. The department shall adopt fair and equitable
3 regulations implementing the monthly reporting requirement.

4 ~~(b) This section shall become inoperative on the date that the~~
5 ~~director executes a declaration stating that Section 11265.2, as~~
6 ~~added by the act adding this subdivision, is fully implemented~~
7 ~~statewide, and shall be repealed on January 1 of the year following~~
8 ~~the year in which it becomes inoperative.~~

9 SEC. 2. Section 11265.1 of the Welfare and Institutions Code,
10 as added by Section 30 of Chapter 1022 of the Statutes of 2002,
11 is repealed.

12 ~~11265.1. (a) In addition to the requirement for an annual~~
13 ~~redetermination of eligibility, counties shall redetermine recipient~~
14 ~~eligibility and grant amounts on a quarterly basis using prospective~~
15 ~~budgeting. Counties shall use the information reported on a~~
16 ~~recipient's quarterly report form to prospectively determine~~
17 ~~eligibility and grant amount for the following quarterly reporting~~
18 ~~period.~~

19 ~~(b) A quarterly reporting period shall be three consecutive~~
20 ~~calendar months. The recipient shall submit one quarterly report~~
21 ~~form for each quarterly reporting period. Counties shall provide a~~
22 ~~quarterly report form to recipients at the end of the second month~~
23 ~~of the quarterly reporting period, and recipients shall return the~~
24 ~~completed quarterly report form with required verification to the~~
25 ~~county by the 11th day of the third month of the quarterly reporting~~
26 ~~period.~~

27 ~~(c) Counties may establish staggered quarterly reporting cycles~~
28 ~~based on factors established or approved by the department,~~
29 ~~including, but not limited to, application date or case number.~~

30 ~~(d) The quarterly report form shall be signed under penalty of~~
31 ~~perjury, and shall include only information necessary to determine~~
32 ~~CalWORKs and food stamp eligibility and calculate the~~
33 ~~CalWORKs grant amount and food stamp allotment, as specified~~
34 ~~by the department. The form shall be as comprehensible as possible~~
35 ~~for recipients and shall require recipients to provide the following:~~

36 ~~(1) Information about income received during the second month~~
37 ~~of the quarterly reporting period.~~

38 ~~(2) Information about income that the recipient anticipates~~
39 ~~receiving during the following quarterly reporting period.~~

~~(3) Any other changes to facts required to be reported, together with any changes to those facts that the recipient anticipates will occur. The recipient shall provide verification as specified by the department with the quarterly report form.~~

~~(e) A quarterly report form shall be considered complete if the following requirements, as specified by the department, are met:~~

~~(1) The form is signed no earlier than the first day of the third month of the quarterly reporting period by the persons specified by the department.~~

~~(2) All questions and items pertaining to CalWORKs and food stamp eligibility and grant amount are answered.~~

~~(3) Verification required by the department is provided.~~

~~(f) If a recipient fails to submit a complete quarterly report form, as defined in subdivision (e), by the 11th day of the third month of the quarterly reporting period, the county shall provide the recipient with a notice that the county will terminate benefits at the end of the month. Prior to terminating benefits, the county shall attempt to make personal contact to remind the recipient that a completed report is due, or, if contact is not made, shall send a reminder notice to the recipient no later than five days prior to the end of the month. Any discontinuance notice shall be rescinded if a complete report is received by the first working day of the first month of the following quarterly reporting period.~~

~~(g) The county may determine, at any time prior to the last day of the calendar month following discontinuance for nonsubmission of a quarterly report form, that a recipient had good cause for failing to submit a complete quarterly report form, as defined in subdivision (e), by the first working day of the month following discontinuance. If the county finds a recipient had good cause, as defined by the department, it shall rescind the discontinuance notice. Good cause exists only when the recipient cannot reasonably be expected to fulfill his or her reporting responsibilities due to factors outside of the recipient's control.~~

SEC. 3. Section 11265.1 is added to the Welfare and Institutions Code, to read:

11265.1. (a) In addition to the requirement for an annual redetermination of eligibility, counties shall redetermine recipient eligibility and grant amounts on a semiannual basis using prospective budgeting. Counties shall use the information reported on a recipient's semiannual report form to prospectively determine

1 eligibility and grant amount for the following semiannual reporting
2 period.

3 (b) A semiannual reporting period shall be six consecutive
4 calendar months. The recipient shall submit one semiannual report
5 form for each reporting period. Counties shall provide a semiannual
6 report form to recipients at the end of the fourth month of the
7 semiannual reporting period, and recipients shall return the
8 completed semiannual report form with required verification to
9 the county by the 11th day of the fifth month of the semiannual
10 reporting period.

11 (c) Counties may establish staggered semiannual reporting
12 cycles based on factors established or approved by the department,
13 including, but not limited to, application date or case number.

14 (d) The semiannual report form shall be signed under penalty
15 of perjury, and shall include only the information necessary to
16 determine CalWORKs and food stamp eligibility and calculate the
17 CalWORKs grant amount and food stamp allotment, as specified
18 by the department. The form shall be as comprehensible as possible
19 for recipients and shall require recipients to provide the following:

20 (1) Information about income received during the fourth month
21 of the semiannual reporting period.

22 (2) Information about income that the recipient anticipates
23 receiving during the following semiannual reporting period.

24 (3) Any other changes to facts required to be reported, together
25 with any changes to those facts that the recipient anticipates will
26 occur. The recipient shall provide verification as specified by the
27 department with the semiannual report form.

28 (e) A semiannual report form shall be considered complete if
29 the following requirements, as specified by the department, are
30 met:

31 (1) The form is signed no earlier than the first day of the fifth
32 month of the semiannual reporting period by the persons specified
33 by the department.

34 (2) All questions and items pertaining to CalWORKs and food
35 stamp eligibility and grant amount are answered.

36 (3) Verification required by the department is provided.

37 (f) If a recipient fails to submit a complete semiannual report
38 form, as defined in subdivision (e), by the 11th day of the fifth
39 month of the semiannual reporting period, the county shall provide
40 the recipient with a notice that the county will terminate benefits

1 at the end of the month. Prior to terminating benefits, the county
2 shall attempt to make personal contact to remind the recipient that
3 a completed report is due, or, if contact is not made, shall send a
4 reminder notice to the recipient no later than five days prior to the
5 end of the month. Any discontinuance notice shall be rescinded if
6 a complete report is received by the first working day of the first
7 month of the following semiannual reporting period.

8 (g) The county may determine, at any time prior to the last day
9 of the calendar month following discontinuance for nonsubmission
10 of a semiannual report form, that a recipient had good cause for
11 failing to submit a complete semiannual report form, as defined
12 in subdivision (e), by the first working day of the month following
13 discontinuance. If the county finds a recipient had good cause, as
14 defined by the department, it shall rescind the discontinuance
15 notice. Good cause exists only when the recipient cannot
16 reasonably be expected to fulfill his or her reporting responsibilities
17 due to factors outside of the recipient's control.

18 (h) Rules and procedures governing reporting for food stamps
19 and CalWORKs shall be consistent with federal food stamp rules
20 and procedures for simplified reporting.

21 SEC. 4. Section 11265.2 of the Welfare and Institutions Code
22 is repealed.

23 ~~11265.2. (a) The grant amount a recipient shall be entitled to~~
24 ~~receive for each month of the quarterly reporting period shall be~~
25 ~~prospectively determined as provided by this section. If a recipient~~
26 ~~reports that he or she does not anticipate any changes in income~~
27 ~~during the upcoming quarter, compared to the income the recipient~~
28 ~~reported actually receiving on the quarterly report form, the grant~~
29 ~~shall be calculated using the actual income received. If a recipient~~
30 ~~reports that he or she anticipates a change in income in one or more~~
31 ~~months of the upcoming quarter, the county shall determine~~
32 ~~whether the recipient's income is reasonably anticipated. The grant~~
33 ~~shall be calculated using the income that the county determines is~~
34 ~~reasonably anticipated in each of the three months of the upcoming~~
35 ~~quarter.~~

36 ~~(b) For the purposes of the quarterly reporting, prospective~~
37 ~~budgeting system, income shall be considered to be "reasonably~~
38 ~~anticipated" if the county is reasonably certain of the amount of~~
39 ~~income and that the income will be received during the quarterly~~
40 ~~reporting period. The county shall determine what income is~~

1 “reasonably anticipated” based on information provided by the
2 recipient and any other available information.

3 (e) If a recipient reports that their income in the upcoming
4 quarter will be different each month and the county needs
5 additional information to determine a recipient’s reasonably
6 anticipated income for the following quarter, the county may
7 require the recipient to provide information about income for each
8 month of the prior quarter.

9 (d) Grant calculations pursuant to subdivision (a) may not be
10 revised to adjust the grant amount during the quarterly reporting
11 period, except as provided in Section 11265.3 and subdivisions
12 (e), (f), (g), and (h), and as otherwise established by the department.

13 (e) Notwithstanding subdivision (d), statutes and regulations
14 relating to (1) the 60-month time limit, (2) age limitations for
15 children under Section 11253, and (3) sanctions and financial
16 penalties affecting eligibility or grant amount shall be applicable
17 as provided in such statutes and regulations. Eligibility and grant
18 amount shall be adjusted during the quarterly reporting period
19 pursuant to such statutes and regulations effective with the first
20 monthly grant after timely and adequate notice is provided.

21 (f) Notwithstanding Section 11056, if an applicant applies for
22 assistance for a child who is currently aided in another assistance
23 unit, and the county determines that the applicant has care and
24 control of the child, as specified by the department, and is
25 otherwise eligible, the county shall discontinue aid to the child in
26 the existing assistance unit and shall aid the child in the applicant’s
27 assistance unit effective as of the first of the month following the
28 discontinuance of the child from the existing assistance unit.

29 (g) If the county is notified that a child for whom CalWORKs
30 assistance is currently being paid has been placed in a foster care
31 home, the county shall discontinue aid to the child at the end of
32 the month of placement. The county shall discontinue the case if
33 the remaining assistance unit members are not otherwise eligible.

34 (h) If the county determines that a recipient is no longer a
35 California resident, pursuant to Section 11100, the recipient shall
36 be discontinued. The county shall discontinue the case if the
37 remaining assistance unit members are not otherwise eligible.

38 SEC. 5. Section 11265.3 of the Welfare and Institutions Code
39 is repealed.

1 ~~11265.3. (a) In addition to submitting the quarterly report form~~
2 ~~as required in Section 11265.1, during the quarterly reporting~~
3 ~~period, a recipient shall report the following changes to the county~~
4 ~~orally or in writing, within 10 days of the change:~~

5 ~~(1) The receipt at any time during a quarterly reporting period~~
6 ~~of income, as provided by the department, in an amount that is~~
7 ~~likely to render the recipient ineligible, as provided by the~~
8 ~~department.~~

9 ~~(2) The occurrence at any time during a quarterly reporting~~
10 ~~period of a drug felony conviction as specified in Section 11251.3.~~

11 ~~(3) The occurrence, at any time during a quarterly reporting~~
12 ~~period, of an individual fleeing prosecution or custody or~~
13 ~~confinement, or violating a condition of probation or parole as~~
14 ~~specified in Section 11486.5.~~

15 ~~(b) Counties shall inform each recipient of the duty to report~~
16 ~~under paragraph (1) of subdivision (a), the consequences of failing~~
17 ~~to report, and the amount of income likely to render the family~~
18 ~~ineligible for benefits no less frequently than once per quarter.~~

19 ~~(c) When a recipient reports income pursuant to paragraph (1)~~
20 ~~of subdivision (a) the county shall redetermine eligibility and grant~~
21 ~~amounts as follows:~~

22 ~~(1) If the recipient reports a change for the first or second month~~
23 ~~of a current quarterly reporting period, the county shall verify the~~
24 ~~report and determine if the recipient is financially ineligible. If the~~
25 ~~recipient is determined to be financially ineligible based on this~~
26 ~~income, the county shall discontinue the recipient after timely and~~
27 ~~adequate notice in accordance with rules applicable to the federal~~
28 ~~Food Stamp program.~~

29 ~~(2) If the recipient reports a change for the third month of a~~
30 ~~current quarterly reporting period, the county shall not redetermine~~
31 ~~eligibility for the current quarterly reporting period, but shall~~
32 ~~redetermine eligibility and grant amount for the following quarterly~~
33 ~~reporting period as provided in Section 11265.2.~~

34 ~~(d) (1) During the quarterly reporting period, a recipient may~~
35 ~~report to the county, orally or in writing, any changes in income~~
36 ~~or household circumstances that may increase the recipient's grant.~~

37 ~~(2) Counties shall act upon changes in income reported during~~
38 ~~the quarterly reporting period that result in an increase in benefits;~~
39 ~~after verification specified by the department is received. Reported~~
40 ~~changes in income that increase the grant shall be effective for the~~

1 entire month in which the change is reported. If the reported change
2 in income results in an increase in benefits, the county shall issue
3 the increased benefit amount within 10 days of receiving required
4 verification.

5 (3) (A) When a decrease in gross monthly income is voluntarily
6 reported and verified, the county shall redetermine the grant for
7 the current month and any remaining months in the quarterly
8 reporting period by averaging the actual gross monthly income
9 reported and verified from the voluntary report for the current
10 month and the gross monthly income that is reasonably anticipated
11 for any future month remaining in the quarterly reporting period.

12 (B) When the average is determined pursuant to subparagraph
13 (A), and a grant amount is calculated based upon the averaged
14 income, if the grant amount is higher than the grant currently in
15 effect, the county shall revise the grant for the current month and
16 any remaining months in the quarter to the higher amount and shall
17 issue any increased benefit amount as provided in paragraph (2).

18 (4) Except as provided in subdivision (c), counties shall act only
19 upon changes in household composition voluntarily reported by
20 the recipients during the quarterly reporting period that result in
21 an increase in benefits, after verification specified by the
22 department is received. If the reported change in household
23 composition is for the first or second month of the quarterly
24 reporting period and results in an increase in benefits, the county
25 shall redetermine the grant effective for the month following the
26 month in which the change was reported. If the reported change
27 in household composition is for the third month of a quarterly
28 reporting period, the county shall not redetermine the grant for the
29 current quarterly reporting period, but shall redetermine the grant
30 for the following reporting period as provided in Section 11265.2.

31 (c) During the quarterly reporting period, a recipient may request
32 that the county discontinue the recipient's entire assistance unit or
33 any individual member of the assistance unit who is no longer in
34 the home or is an optional member of the assistance unit. If the
35 recipient's request was verbal, the county shall provide a 10-day
36 notice before discontinuing benefits. If the recipient's report was
37 in writing, the county shall discontinue benefits effective the end
38 of the month in which the request is made, and simultaneously
39 issue a notice informing the recipient of the discontinuance.

1 ~~(f) The department, in consultation with the County Welfare~~
2 ~~Directors Association (CWDA), shall report to the relevant policy~~
3 ~~and fiscal committees of the Legislature in April 2005 regarding~~
4 ~~the effects upon program efficiency and integrity of implementation~~
5 ~~of the midquarter reporting requirement set forth in subdivision~~
6 ~~(a). The report shall be based on data collected by CWDA and~~
7 ~~select counties. The department, in consultation with CWDA, shall~~
8 ~~determine the data collection needs required to assess the effects~~
9 ~~of the specified midquarter report.~~

10 SEC. 6. No appropriation for purposes of Section 15200 of the
11 Welfare and Institutions Code shall be made for purposes of
12 implementing this act.

13 SEC. 7. Sections 1 to 5, inclusive, of this act shall become
14 operative on January 1, 2009.

15 SEC. 8. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 the only costs that may be incurred by a local agency or school
18 district will be incurred because this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the penalty
20 for a crime or infraction, within the meaning of Section 17556 of
21 the Government Code, or changes the definition of a crime within
22 the meaning of Section 6 of Article XIII B of the California
23 Constitution.